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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stacey J Longanecker
Royalance Abrams Berdo & Goodman LLP
1300 19th Street NW
Suite 600
Washington, DC 20036

EXAMINER	
TRAN, HAI V	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/695,228	MARKO ET AL.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Reopened Prosecution

In view of the Appeal brief filed on 02/28/2006, PROSECUTION IS HEREBY REOPENED. A new Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

GRANT CHRISTOPHER C.

KELLEY CHRISTOPHER S.

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Response to Arguments

Applicant's arguments filed on 02/28/2006 have been fully considered but they are not persuasive.

A. Claims 1, 3-5, 9, 12, 17 and 18:

A. 1

a) Appellant/Applicant argues, "the subblocks described in Foster are generated at the set-top box and therefore after transmission."

In response, the Examiner respectfully disagrees with Appellant/Applicant. Appellant/Applicant clearly misconstrues Foster's reference. Appellant/Applicant self-admitted the set-top box receives the transport stream 210.

In accordance with the MPEG-2 Systems Standard (ISO/IEC 13818-1), one or more programs are combined into a single transport stream for transmission. Data from each elementary stream are multiplexed together with information that allows synchronized presentation of the elementary streams within a program. Generally, a transport stream consists of one or more programs, and the audio and video elementary streams consist of access units. As known to those familiar with the MPEG-2 Systems Standard (ISO/IEC 13818-1), a program is a collection of elementary streams with a common time base. In other words, a program consists of all the elementary streams which refer to a common Program Clock Reference (PCR) clock. The elementary stream data is carried in Packetized Elementary Stream (PES) packets, where a PES packet consists of a PES packet header followed by packet data. The PES packets are inserted into transport stream packets for transmission. The PES packet header may contain decoding and presentation time stamps (DTS and PTS) as well as other optional fields. Transport stream packets, on the other hand, begin with a 4 bytes prefix containing the 13-bit packet ID (PID). The PID identifies, via four Program

Specific Information (PSI) tables, the contents of the data contained in the transport stream packet payload.

In view of that one of ordinary skill in the art would understand that the transport stream 210 is encoded at the headend before it could be transmitted to the set-top box and further understand that Foster (Fig. 3, el. 310 and 340) does NOT build sub-blocks at the receiver, as alleged by Appellant/Applicant but rather Foster's transport demux (Fig. 2, el. 220) recovers the audio PES packets data, video PES packets data from the Transport stream 210 according to MPEG-2 Standard, as disclosed (Col. 5, lines 55-Col. 6. lines 50). As such, Appellant/Applicant is wrong.

Appellant/Applicant further argues, "neither the packets in the transport stream 210 nor the sub-blocks in Foster et al. indicate the number of segments that constitute a partitioned file nor identify each segment."

In response, the Examiner respectfully again disagrees with Appellant/Applicant because, according to MPEG-2 standard, the MPEG header is an identifier of each packet in which each packet is a file and bytes within the packet are segments.

b) Appellant/Applicant further argues, "The Office Action apparently analogizes packets in a transport stream 210 of Foster et al. to be data files as claimed and bytes in those packets to be segments as claimed. This is incorrect

since the bytes of packet are not interspersed in the transport stream of Foster et al. in contrast to segments of the data file recited in claim 1 being interspersed in a broadcast signal."

In response, the Examiner respectfully disagrees with Appellant/Applicant because Appellant/Applicant again and again misconstrues Foster reference. First of all Appellant/Applicant 's claim limitations do not specifically describe/claim what constitutes a file or a segment. Secondly, Appellant/Applicant 's claim limitations do not specifically describe/claim how the segments are interspersed in the broadcast signal. Secondly, limitation in claim 1 requires, "...the content comprising data files, said data files each being partitioned into segments that are interspersed in the broadcast signal, ..."

As such, the transport stream (210) comprises at least a video program and is encoded, according to MPEG-2 standard) into packets (notes, the content of transport stream comprises packets or data files). Foster further shows the video and audio packets are interspersed in the broadcast signal (see Foster Fig. 2, wherein transport stream (210) with packets of video and audio (212) are interspersed in the transport stream (210) of the broadcast signal); as such, Bytes of video and audio packets are also interspersed in the broadcast signal.

Appellant/Applicant further argues "The headers of the transport stream packets of Foster et al. merely identify the type of data (i.e., audio or video) in the packets, but do not relate the packets to others that constitute a data file, unlike the claimed segments and header"

In response, the Examiner respectfully again disagrees with Appellant/Applicant because, according to MPEG-2 standard, the MPEG header is an identifier of each packet.

Appellant/Applicant further argues, "The PESs, however, are created at the STB".

In response, the Examiner respectfully disagrees with Appellant/Applicant for the obvious reasons, as discussed above, in which PES is created at the Headend and NOT at the STB, as alleged by Appellant/Applicant! The STB 's transport demux (Fig. 2, el. 220) recovers the audio PES packets data, video PES packets data from the Transport stream 210 according to MPEG-2 Standard, as disclosed (Col. 5, lines 55-Col. 6. lines 50). As such, Appellant/Applicant is wrong.

A.2

Claim 3, Appellant/Applicant argues, "The references to Foster et al relied on in the Office Action that refer to a transport stream header also do not disclose or suggest the claimed invention since these transport headers merely indicate data type but not the size of a data file to which the packets corresponding to the transport header may belong."

In response, the Examiner withdraws the rejection in view of a new ground of rejection.

A.3

Claims 4 and 5, Appellant/Applicant argues, "the header each comprise a first field indicating the total number of segments in the data file, and the second field indicating the corresponding one of the identification codes."

In response, the examiner respectfully disagrees with Appellant/Applicant because Foster shows that each segment has a header that identifies the total number of segments (col. 7 lines 12-18, unitary header provided for the total data block size) and an identification code (STC) (col. 8 lines 60-67, col. 9 lines 1-13, using look up table to identify the STC in storage location for playback). The STC code in the header indicates the order in the file (col. 7 lines 5-35, col. 9 lines 1-23, STC in header). Notes, as above discussion, the headers taught by Foster are NOT generated at the STB, as alleged by Appellant/Applicant but rather the STB recovers the audio PES packets data, video PES packets data from the Transport stream 210 according to MPEG-2 Standard, as disclosed (Col. 5, lines 55-Col. 6. lines 50).

A.4

Claim 12, Appellant/Applicant argues, "Foster et al., however, does not disclose or suggest determining whether all segments of a data file are

received... and then storing completely received and incompletely received data files in respective portions of a memory device.

In response, the Examiner respectfully disagrees with Appellant/Applicant because Foster clearly shows the use of a queuing buffer system to store incompletely received data files (col. 4 lines 25-37, col. 6 lines 13-35, queuing buffers for storing incoming data into full blocks). The system stores incoming data in the buffer, and when the buffer is filed with a completely packet size, the entire packet is written to the mass storage (col. 4 lines 25-37, col. 6 lines 13-35, 50-60, data blocks of fixed size writing to memory after stored in buffer). The buffer clearly meets the limitation of storing incompletely received data files and the mass storage, or HDD, clearly meets the limitation of storing completely received data files since the stored blocks of data are recovered at the STB from the Transport stream 210, as above discussion.

A.5

Claim 9, Appellant/Applicant argues, "Foster et al does not teach or suggest the STB determining which packets or bytes in packets have not been received."

In response, the Examiner respectively disagrees with Appellant/Applicant because

Foster explicitly states that two parallel processes" are performed to determine if data files have been received (col. 8 lines 15-35). These processes count the amount of data in the buffer and compare it to a preferred data size

(col. 8 lines 15-20, preferred value of total data size is counted). As stated in Foster, the blocks of audio and video data are then queued to the buffers forming storage queues until the total data size established by the BTI value or count set at 520 is reached" (col. 8 lines 19-21). This process effectively determines when data files have been received. When the buffer is filled, the entire data file has been received and is subsequently stored in mass storage. The Examiner further indicates that monitoring the progress of storing packets is done by Foster's receiving device using algorithm of Fig. 3 in which the monitoring process is done by counting until the full data block size has been accumulated.

A.6

Claim 17, Appellant/Applicant argues, "Foster et al. does not disclose selecting a data file received from a broadcast signal that is characterized in the broadcast signal by a header indicating the number of segments that constitute the data file."

In response, the Examiner withdraws the rejection in view of a new ground of rejection.

A.7

Claim 18, Appellant/Applicant argues, "Foster et al. does not teach or suggest the STB determining which packets or bytes in packets have not been received" and further argues, "Foster et al. does not perform monitoring as claimed."

In response, Foster explicitly states that "two parallel processes" are performed to determine if data files have been received (col. 8 lines 15-35). These processes count the amount of data in the buffer and compare it to a preferred data size (col. 8 lines 15-20, preferred value of total data size is counted). As stated in Foster, the blocks of audio and video data are then queued to the buffers forming storage queues until the total data size established by the BTI value or count set at 520 is reached" (col. 8 lines 19-21). This process effectively determines when data files have been received. When the buffer is filled, the entire data file has been received and is subsequently stored in mass storage. In doing so, the system inherently monitor the receiving data file so to be able to determine which data file has not been received, and further to determine if the entire data file has been received, as disclosed.

B. Claims 2, 6-8, 10, 11, 13-16 and 19:

1. Claim 2

Applicant argues, "Rieger III does not disclose...alerting".

In response, Rieger clearly shows that an audio alarm is triggered when data has been correctly received (col. 5 lines 40-50, after capturing transmission, receiver emits audio alarm to attract attention to newly saved data).

Appellant/Applicant further argues, "Rieger III does not teach header comprising..."

In response, with regard to limitation "header", this limitation has been discussed above in light of the Foster et al reference. As such, One ordinary skill in the art would be motivated at the time the invention was made to modify to combine Foster in view of the teach of Rieger to emit an audio alarm to notify user that data has been correctly received, as suggested by Rieger.

2. Claims 6-8, 10, 11, 13-16 and 19.

Appellant/Applicant argues, Claims 10 and 19 are not obvious over Foster et al in view of Rieger III" and further argues, Claims 6, 7, 13, 14, 15, 20 and 21 are not obvious over Foster et al in view of Morrison, and further argues, Claim 11 is not obvious over Foster et al in view of Rieger III and Morrison, and further argues, Claims 8 and 16 are not obvious over Foster et al in view of Morrison and Wolzien.

In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981). In this instant, the combination of Foster in view of the cited secondary reference is fully supported, as discussed in the previous office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4-5, 9, and 12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Foster et al (6,801,536).

Regarding Claim 1, Foster shows a receiver in a digital broadcast system comprising a memory device for storing content transmitted in a broadcast signal (fig. 1 item 150, col. 4 lines 10-20, HDDI, the content comprising data files, each file being partitioned into segments that are in the broadcast signal (col. 3 lines 4-15, col. 4 lines 60-67, col. 5 lines 43-67, packets), the signal being provided with at least one header comprising information indicating the number of segments that constitute one of the files, and information identifying the segments (col. 5, lines 40-67, col. 6 lines 38-64, type of data and block size). Foster further shows a reception device for receiving the broadcast signal and processing the signal to obtain the content including segments corresponding to the data files (see fig. 1), and a processing

device connected to the memory device and reception device and being programmable to allocate at least one section in the memory for storing the data file (fig. 1, host processor and memory controller, col. 6 lines 50-65; col. 9, lines 1-15, FAT on storage medium), storing the segments of the data file in the allocated section (fig. 1, host processor and memory controller, col. 6 lines 50-65, col. 9 lines 1-15, FAT on storage medium) and to monitor the progress of the allocated section (col. 7 lines 1-47, using interrupts and time stamps to fill buffers that send data to the HDD).

Regarding Claim 4, as discussed Foster shows that each segment has a header that identifies the total number of segments (col. 7 lines 12-18, unitary header provided for the total data block size) and an identification code (STC) (col. 8 lines 6O-à7, col. 9 lines 1-13, using look up table to identify the STC in storage location for playback). The STC code in the header indicates the order in the file (col. 7 lines 5-35, col. 9 lines 1-23, STC in header).

Regarding Claim 5, Foster (col. 3 lines 5-15, col. 4 lines 38-55, col. 5 lines 40-67, col. 6 lines 38-64, col. 7 lines 12-18, type of data and block size, unitary header provides for the block size) shows that the header indicates the size of the data that needs to be stored. Furthermore, a block size buffer, that uses the total block size, is used to 511 the memory (col. 7 lines 1-18, block size buffer and total data block size in header).

Regarding Claim 9, Foster further shows that the header file contains identification codes for the segments that indicate the order the segments are to appear in playback (Col. 8 lines 21-67; Col. 9, lines 1-23, STC used for synchronization of playback), and the ability to determine if the segments have been stored (col. 8 lines I 5-35, using a buffer that continually adds data until %11, then stores the data together, effectively determining if and when data Should be stored).

Regarding Claim 12, Foster shows storage for storing a first portion of complete data files (col. 4 lines 1ô-25, HDD) and storage for second portions that are being received, or a buffer (col. 6 lines 38-65, col. 3 lines I - 15, storing data in buffer prior to storage on hard disk).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in further view of Rieger, III (5,732,324).

Regarding Claim 2, Foster shows an output device connected to the processing device (fig. 1 item 190). Foster fails to show generating an alert message when the segments of the data file have been stored in memory. Rieger shows alerting the user on an output device when data segments have been stored in memory (col. 5 lines 40-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with the alert message of Rieger show that a user would be aware when data had been downloaded to the receiver.

Regarding Claim 10, Foster fails to show that the segments are rebroadcast and the system determines what data has been stored, subsequently discarding repeated data and saving new data.

Rieger shows that the segments are rebroadcast and the system determines what data has been stored; subsequently discarding repeated data and saving new data (col. 4 lines 25-43, 55-65, using identification information to determine repeated signals and preventing storage). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with the ability to ignore repeated signals as in Rieger so that the user would not store more then one copy of the data.

3. Claims 3, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in view of Taniguchi (US 6222841).

Regarding Claim 3, Foster shows that the header and amount of buffer size is defined by the MPEG-2 standard (col. 3 lines 5-15, col. 4 lines 38-55, col. 5 lines 40-47, col. 6 lines 38-64, type of data and block size).

Foster does not clearly disclose that the header comprises data to indicate the size of the packet.

Taniguchi discloses that packet header is made up of various fields (Col. 13, lines 25-Col. 14, lines 46), i.e., the payload length of the packet, in which those fields have influence on decoding processing in the decoder (Col. 3, lines 42-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with Taniguchi so the coded streams packets is dynamically coping with the changes in network bandwidth or receiver capability, as suggested by Taniguchi.

Regarding Claim 17, Foster shows a method of implementing a file transfer from a broadcaster to a receiver in a digital system comprising receiving a broadcast signal having content comprising data files, each file being partitioned into segments that are in the broadcast signal (col. 3 lines 4-15, col. 4 lines 60-67, col. 5 lines 43-67, packets), the signal being provided with at least one header comprising information indicating information identifying the segments (col. 5 lines 40-67, col. 6 lines 38-64, type of data and block size). Foster further shows that after the buffer is full, the data is selected for storing on the hard disk (col. 7 lines 1-18, fixed size total

data block is stored), storing the segments of the data file in the allocated section (fig. 1, host processor and memory controller, col. 6 lines 50-65, col. 9 lines 1 - 1 5, FAT on storage medium), allocating at least one section in the memory for storing the data file (fig. 1, host processor and memory controller, col. 6 lines 50-65, col. 9 lines 1-1 5, FAT on storage medium), analyzing the information in the header to identify segments (col. 5 lines 44-67, analyzing header), and storing segments in the portion of the memory corresponding to the file (col. 6 lines 38-65, storing data according to STC so data will be stored in correct sequence).

Foster does not clearly disclose that the header comprises data to indicate the number of segments that constitute one of the files (size of the packet).

Taniguchi discloses that packet header is made up of various fields (Col. 13, lines 25-Col. 14, lines 46), i.e., the payload length of the packet, in which those fields have influence on decoding processing in the decoder (Col. 3, lines 42-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with Taniguchi so the coded streams packets is dynamically coping with the changes in network bandwidth or receiver capability, as suggested by Taniguchi.

Regarding Claim 18, Foster in view of Taniguchi shows monitoring what data files have not been received and stored and stores them accordingly ability to determine if the segments have been stored (Foster; Col. 8 lines 15-35, using a buffer that continually adds data until full, then stores the data together, effectively

determining if and when data should be stored). By using this buffer, Foster is able to ensure data is fully received before storing the data onto the storage device.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in view of Morrison (5,815,671).

Regarding Claim 6, Foster fails to show a data field comprising an expiration data for the data file.

Morrison shows message data codes that determine different aspects of the sent data (col. 6 lines 14-67, col. 7 lines 1-65). Included in this data is time period data, which controls the receiving system to stop displaying certain data after a certain time period, effectively expiring the data (col. 7 lines 49-65, time period). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with the ability to include auxiliary data that could express expiration time as in Morrison so the system would have more parameters to further control the display of data.

Regarding Claim 7, Foster fails to show a message identification code.

Morrison shows that each message is assigned a message identification code to indicate which of a plurality of receivers are to receive the message (col. 6 lines 14-67, col. 7 lines 1-65) and the processing device being able to store a message with a certain code and discard other messages with different codes (col. 7 lines 15-46, using certain data and discarding others based on user preferences). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with the ability to include message code data that could express more detailed data about a broadcast as in Morrison so the system would have more parameters to further control the display of data.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in view of Morrison (5,815,671).

Regarding Claim 13, Foster shows a method of transmitting content files comprising partitioning the files into segments (fig. 2 data blocks), assigning the data files with identification codes for the segments that indicate the order the segments are to appear in playback (col. 8 lines 21-67, col. 9 lines 1-23, STC used for synchronization of playback, using look up table to determine the STC of data in memory), including the segments in the broadcast signal (col. 3 lines 4-15, col. 4 1ines.60-67, col. 5 lines 43-67, packets), and providing each segment with a header that identifies the total number of segments and an identification code (STC).. The STC code in the header indicates the order in the file (col. 7 lines 5-35, col. 9 lines 1-23, STC in header, using look up table to determine the STC of data in memory).

Foster fails to show a message identification code.

Morrison shows that each message is assigned a message identification code to indicate which of a plurality of receivers are to receive the message (col. 6 lines 14-67, col. 7 lines 1-65) and the processing device being able to store a message

with a certain code and discard other messages with different codes (col. 7 lines I 5-46, using certain data and discarding others based on user preferences). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster with the ability to include message code data that could express more detailed data about a broadcast as in Morrison so the system would have more parameters to further control the display of data.

Regarding Claim 14, Morrison further shows re-broadcasting data segments (col. 6 lines 25-40, repeated transmission).

Regarding Claim 15, Morrison shows message data codes that determine different aspects of the sent data (col. 6 lines 14-67, col. 7 lines 1-65). Included in this data is time period data, which controls the receiving system to stop displaying certain data after a certain time period, effectively expiring the data (col. 7 lines 49-65, time period).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in further view of Rieger, III (5,732,324) and Morrison (5,81 5,671).

Regarding Claim 11, Foster and Rieger fail to show automatically operating the receiver at a selected time of day to receive and store segments that have not been stored yet.

Morrison shows automatically operating the receiver at a selected time of day to receive and store segments that have not been stored yet (col.6 lines 25-42, transmitted at a number of convenient times throughout 24 hour day, as well as repeated transmission). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster in view of Rieger with the ability to repeatedly send data at different times as in Morrison so that the user was ensured the data was received and that the receiving would not interrupt operation of regular playback.

7. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in view of Morrison (5,815,671) and further in view of Wolzien (2003/0212996).

Regarding Claim 8, Foster in view of Morrison fails to show that the code can correspond to a model of a car.

Wolzien shows code identification information that identifies a type of car the user is driving (page 7-8 section 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster in view of Taniguchi and Morrison with the ability to use car type data as in Wolzien so that information about a particular vehicle could be relayed to the user.

Regarding Claim 16, Foster in view of Morrison fails to show that the code can correspond to a model of a car.

Wolzien shows code identification information that identifies a type of car the user is driving (page 7-8 section 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster in view of Morrison with the ability to use car type data as in Wolzien so that information about a particular vehicle could be relayed to the user.

8. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in view of Taniguchi (US 6222841) and further in view of Rieger, III (5,732,324).

Regarding Claim 19, Foster in view of Taniguchi does not clearly to show that the segments are rebroadcast and the system determines what data has been stored, subsequently discarding repeated data and saving new data.

Rieger shows that the segments are rebroadcast and the system determines what data has been stored; subsequently discarding repeated data and saving new data (col. 4 lines 25-43, 55-65, using identification information to determine repeated signals and preventing storage). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster in view of Taniguchi with the ability to ignore repeated signals as in Rieger so that the user would not store more then one copy of the data.

9. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al (6,801,536) in view of Taniguchi (US 6222841) and further in view of Morrison (5,815,671).

Regarding Claim 20, Foster in view of Taniguchi fails to show a rebroadcast schedule. Morrison shows that rebroadcasts of data files are scheduled throughout a day (col. 6 lines 14-40). Furthermore, Morrison shows that the system operates the receiver to automatically tune to the rebroadcast signal, extracts elements which have not been stored, and storing these segments (col. 6 lines 14-40). Morrison shows a system that re-broadcasts data several times a day. If the system has not stored a rebroadcast file, this gives the receiver the opportunity to store the file. Furthermore, although not specifically stated, it is nonetheless inherent that a storage device, upon receiving any data, is always a "percentage full". It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster in view of Taniguchi with the ability to rebroadcast and store certain files as in Morrison so that the system would ensure the receiver downloaded necessary tiles.

Regarding Claim 21, Foster in view of Taniguchi fails to show a message identification code. Morrison shows that each message is assigned a message identification code to indicate which of a plurality of receivers are to receive the message (col. 6 lines 14-67, col. 7 lines 1-65) and the processing device being able to store a message with a certain code and discard other messages with different

codes (col. 7 lines l 5-46, using certain data and discarding others based on user preferences). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foster in view of Taniguchi with the ability to include message code data that could express more detailed data about a broadcast as in Morrison so the system would have more parameters to further control the display of data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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HT:ht
06/09/2006

HAI TRAN
PRIMARY EXAMINER